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Filing date: **05/28/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202562
Party	Defendant Velocity, LLC
Correspondence Address	ANDREA J MEALEY HINCKLEY ALLEN & SNYDER LLP 28 STATE ST BOSTON, MA 02109-1775 UNITED STATES amealey@haslaw.com, tmdocket@haslaw.com
Submission	Answer
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Date	05/28/2013
Attachments	Answer to Amend NoO.pdf(102035 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	
Boston Athletic Association,)	
)	
Opposer,)	Opposition No.: 91202562
)	Application No.: 85/224698
v.)	Mark: MARATHON MONDAY
)	Class: 25
Velocity, LLC)	
)	
Applicant.)	
_____)	

ANSWER TO AMENDED NOTICE OF OPPOSITION

Applicant, Velocity, LLC (“Applicant”), hereby sets forth the following Answer to the Amended Notice of Opposition filed by the Boston Athletic Association (“Opposer”).

In response to the introduction contained in the Notice of Opposition, Applicant admits that Application Ser. No. 85/224698 was filed in its name on January 24, 2011. Applicant lacks sufficient information to affirm or deny the corporate structure of Opposer or Opposer’s location and the address at which it does business. The Applicant denies the remainder of the allegations contained in the introduction.

In response to the specifically enumerated paragraphs of the Notice of Opposition, Applicant responds as follows:

1. The Applicant admits that it seeks registration of the mark MARATHON MONDAY on the Principal Register for use in connection with clothing.

19. Denied.

20. Denied.

21. Denied.

- 22. Admitted.
- 23. Denied.
- 24. Denied.
- 31. Denied.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Notice of Opposition fails to state a claim upon which relief may be granted.

Second Affirmative Defense

Applicant's use of its applied for mark is not likely to cause damage or injury to Opposer.

Third Affirmative Defense

Applicant use of its applied for mark is not going to cause a false association with Opposer.

Fourth Affirmative Defense

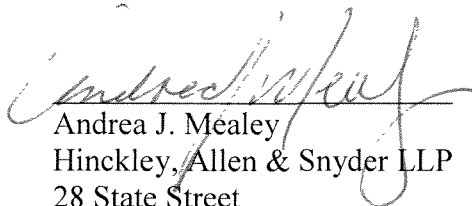
Applicant hereby gives notice that it intends to rely upon such other and further defenses as may become available through discovery or otherwise and reserves its right to assert and rely upon such further defenses as of right or by appropriate motion.

Respectfully submitted,

Velocity, LLC

By its attorneys,

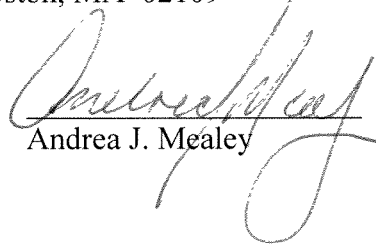
Dated: May 28, 2013


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CERTIFICATE OF SERVICE

This is to certify that the undersigned has served the foregoing Answer to Notice of Opposition on the counsel of record for the Opposer, Boston Athletic Association, by first class mail postage pre-paid, dated May 28, 2013, addressed to Opposer's counsel as follows:

Barbara A. Barakat
Wilmer Cutler Pickering Hale and Dorr, LLP
60 State Street
Boston, MA 02109


Andrea J. Mealey